

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE, WASHINGTON

RONNY R. TULL, JR., and LAUREL TULL,

Plaintiffs,

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION, USAA INSURANCE
AGENCY, INC., USAA CASUALTY
INSURANCE COMPANY, and USAA
GENERAL INDEMNITY COMPANY,

Defendants.

CASE NO. 2:23-cv-01880-RAJ

**STIPULATED MOTION AND ORDER
TO REMAND FOR LACK OF
DIVERSITY JURISDICTION UNDER
28 U.S.C. § 1332(a)**

LR 7-1 CERTIFICATION

Counsel for Plaintiffs Ronny R. Tull, Jr. and Laurel Tull (“Plaintiffs”) and for Defendant United Services Automobile Association (“USAA”) have conferred and have stipulated to remand the case to Whatcom County Superior Court due to a lack of federal diversity jurisdiction.

STIPULATED MOTION TO REMAND FOR LACK OF DIVERSITY JURISDICTION

The parties mutually and respectfully request the Court remand the above-captioned case to Whatcom County Superior Court due to lack of diversity of citizenship between Plaintiffs and USAA.

A natural person is deemed a citizen of the state in which he or she is domiciled. (*Kanter v. Warner-Labert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).) At all material times, Plaintiffs are alleged to have resided in Whatcom County in the State of Washington. (Dkt. 1 at ¶¶ 1–2.) Plaintiffs are thus considered citizens of the State of Washington for purposes of determining diversity of citizenship.

USAA is an unincorporated reciprocal inter-insurance exchange with members in all 50 states, including Washington. As a matter of law, a reciprocal insurance exchange is an unincorporated association considered to share the citizenship of each of its members for diversity purposes. (*Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *Tuck v. United Services Auto. Ass'n.*, 859 F.2d 842, 844-845 (10th Cir. 1988).) As USAA has members in Washington (including Plaintiffs), USAA is considered a citizen of the State of Washington for purposes of assessing diversity jurisdiction.

28 U.S.C. § 1332(a)(1) allows for original federal jurisdiction over civil matters when the parties are citizens of different states. However, because both Plaintiffs and USAA are citizens of the State of Washington, complete diversity of citizenship between the parties does not exist. The Court therefore lacks original jurisdiction over Plaintiffs' Complaint.

As the allegations in Plaintiffs' Complaint relate to a motor vehicle accident having occurred in Whatcom County, Washington (Dkt. 1 at ¶ 4), the parties respectfully request the Court remand the case to Whatcom County Superior Court in the State of Washington.

Dated: February 26, 2024

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Dated: February 26, 2024

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2 **PURSUANT TO STIPULATION**, it is ORDERED that this matter is dismissed without
3 prejudice and remanded for re-filing in Whatcom County Superior Court in the State of
4 Washington.
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6 DATED this 27th day of February, 2024.

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9 The Honorable Richard A. Jones
10 United States District Judge
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